



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice January 22, 2024

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to cricker@town.arlington.ma.us by Monday, January 22, 2024, at 3:00 pm. The Board requests that correspondence that includes visual information should be provided by Friday, January 19, 2024, at 12:00 pm.

The Arlington Redevelopment Board will meet Monday, January 22, 2024 at 7:30 PM in the **Arlington Community Center, Main Hall, 27 Maple Street, Arlington, MA 02476**

1. Review Meeting Minutes

7:30 pm The Board will review and vote to approve meeting minutes.

2. Citizen Warrant Articles

7:40 pm The Board will hear and discuss potential citizen petition warrant articles proposed by Town residents.

3. Redevelopment Board Warrant Articles

8:20 pm The Board will review the warrant articles they wish to present to Town Meeting.

4. Warrant Article Hearings

9:00 pm The Board will discuss their timeline for hearings on Warrant Articles to be presented to Annual Town Meeting.

5. Review of Draft Changes to Rules and Regulations

9:15 pm The Board will review the proposed changes to the Board Rules and Regulations regarding Site Plan Review.

6. Open Forum

9:30 pm Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three-minute time limit to present a concern or request.

7. New Business

9:45 pm

8. Adjourn

10:00 pm (Estimated)



Town of Arlington, Massachusetts

Review Meeting Minutes

Summary:

7:30 pm The Board will review and vote to approve meeting minutes.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	12182023_DRAFT_AMENDED_Minutes_Redevelopment_Board.pdf	12182023 DRAFT AMENDED Minutes Redevelopment Board

Arlington Redevelopment Board
Monday, December 18, 2023, at 7:30 PM
Community Center, Main Hall
27 Maple Street, Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsebery (Chair), Eugene Benson, Shaina Korman-Houston, Kin Lau, Stephen Revilak

STAFF: Claire Ricker, Director, Planning and Community Development; Sarah Suarez, Assistant Director, Planning and Community Development; Marisa Lau, Senior Planner, Planning and Community Development

The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Review Meeting Minutes.**

December 4, 2023 – The Board had no comments on the minutes. The Chair requested a motion to approve the December 4 minutes. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 2 – Conservation Commission Proposed Warrant Articles.**

Ms. Ricker introduced two proposed warrant articles that have been vetted by the Conservation Commission, to be advanced by DPCD and potentially the Redevelopment Board. One is related to the Inland Wetland District Overlay, and the other is a proposal for rezoning open space. She then introduced David Morgan, the Town's Environmental Planner and Conservation Agent, to present the two articles.

Mr. Morgan introduced Chuck Tirone, Vice Chair of the Conservation Commission. Mr. Morgan said that the Inland Wetland District Overlay was created over 50 years ago, before the Wetlands Protection Act, as an attempt to achieve the goals of that Act through zoning. The concern with the District at this time is that it's outmoded, because the Conservation Commission supersedes it. The Conservation Commission checked with the Zoning Board of Appeals to ask if they thought it made sense for them to continue to have zoning oversight over the District, and the ZBA said that they felt it was duplicative, given that the Conservation Commission has oversight over the same issues. In addition, the Inland Wetland District is not actually represented in the Town's zoning maps. The maps could be updated, but it would make more sense for the Conservation Commission to be the authority for all inland wetland concerns, given the Commission's expertise in the area. The Conservation Commission, the ZBA, and the Inspectional Services Department all agree that the Inland Wetland District should be removed from the zoning bylaw.

Mr. Tirone said that the Conservation Commission voted unanimously on December 7 to support the proposal to eliminate the Inland Wetland District, because the Commission is capable of managing the Wetlands Protection Act and the Town's bylaws relating to wetlands protection.

Mr. Lau said that he believes making this change makes sense. He also asked how the Conservation Commission deals with No Name Brook and how it affects development. Mr. Tirone replied that the Commission has been working on their maps throughout the Town to clarify the jurisdiction of the Commission, so that projects that require approval from the Commission don't get approved by Inspectional Services or other Boards without going before the Commission.

Ms. Korman-Houston asked if there are areas under the purview of the District but not the Conservation Commission that would therefore be left unprotected if the District is removed from the zoning bylaw. Mr. Morgan said that the way that the District is currently defined is unclear. If a proposal were made to update and clarify the zoning of the District, rather than to remove it entirely, it would almost certainly be brought into alignment with the areas under the Commission's jurisdiction.

Mr. Benson said that the Inland Wetland District is currently defined as including a horizontal distance of 200 feet from the center line of a perennial river, brook, or stream. He asked if the Conservation Commission's jurisdiction matches.

Mr. Tirone said that the Commission's jurisdiction extends 200 feet from any perennial stream and 100 feet from an intermittent stream. Mr. Benson asked if a situation has occurred in the past few years in which a project does not initially go before the Conservation Commission, but the Inspectional Services Department sends it to the Commission specifically because of the Inland Wetland District zoning bylaw. He noted that Inspectional Services implements the zoning bylaw but doesn't necessarily implement Conservation Commission requirements, so an inspector would be more likely to flag a project as potentially problematic if the bylaw includes the Inland Wetland District than if it does not. Mr. Morgan said that he was not aware of any such situation. Mr. Benson said that he would be interested in having a conversation with the Director of Inspectional Services to make sure that removing the District doesn't lead to a loss of an important tool for getting projects before the Conservation Commission. Mr. Tirone replied that the Commission and Inspectional Services should be in regular conversation in order to make sure that Inspectional Services is always aware of which potential projects fall under the jurisdiction of the Commission. Mr. Benson then asked about why the Conservation Commission supports the elimination of the Inland Wetland District but not the Floodplain District from the zoning bylaw. Mr. Morgan said that the Floodplain Overlay District is required by law. He said that it is likely that the Commission will at some point propose a change to the zoning language of the Floodplain District.

Mr. Revilak noted that the zoning bylaw was recodified in 2017 or 2018. One of the points of discussion was how to handle the two overlay districts and their overlap with the Conservation Commission's jurisdiction. They tried to separate land-use issues, which would be dealt with in the zoning bylaw, from wetland issues, which would be dealt with by the Conservation Commission. Re-reading the Inland Wetland District portion of the bylaw, he doesn't think that it includes a lot of substance in terms of land use. He agrees that the Conservation Commission is capable of handling these issues, so he is supportive of removing the District from the bylaw.

The Chair stated that she also supports removing the District, and she has made a note to follow up with the Inspectional Services Department to address the question that Mr. Benson raised about whether there are any cases that ISD has caught because of the District being in the bylaw, rather than because of other vehicles that the Conservation Commission has provided.

Mr. Morgan explained the second proposal from the Conservation Commission. He said that there are a total of 68 parcels in Arlington in which open space is the principal use, but they are zoned in a variety of ways. These include cemeteries, parks and playgrounds, Recreation properties, Conservation properties, and others. Following the Open Space and Recreation Plan and the Public Land Management Plan, they would like to shift the zoning to reflect the actual use, to be followed by a later conversation about who owns and manages each parcel. An Open Space designation comes with significant use restrictions. He has compiled a list of parcels that meet the criteria of the definition of open space in the zoning bylaw. Cleaning up the zoning in this regard would benefit the town by clarifying exactly what open space it has and enabling it to better assign responsibility for managing its open space. The Parks and Recreation Committee, Open Space Committee, and Conservation Commission all support this rezoning proposal. The Cemetery Committee has questions about what exactly it would mean and how it would affect the cemeteries, so Mr. Morgan would recommend further engagement with that Committee.

The Chair asked if a map of the 68 parcels is available, and specifically if a map that overlays the current Open Space and Recreation Plan to compare these parcels with what is included in the Plan. Mr. Morgan replied that such maps are available.

Mr. Lau said that he is generally supportive of this rezoning plan, but he has issues with the privately held parcels. If those parcels were to be rezoned as open space and then were to change hands at some point, they could only be used as open space. He would prefer to have them zoned as multi-family housing, so that if a country club or boating club decides to sell their land, the Town has more options for how to use that land. He also asked if this plan includes Great Meadows, the land that Arlington owns in Lexington. Mr. Morgan replied that Arlington does count that land as Arlington's open space, even though Arlington cannot rezone the land within Lexington.

Ms. Korman-Houston agreed with Mr. Lau about the distinction between public and private space. She would worry about the burden on individual property owners. She thinks that clarifying the zoning of the public parcels would have value but thinks that privately held parcels should be left out.

Mr. Benson said that the Town's definition of the Open Space District includes parcels under a variety of jurisdictions, but not private owners. So if we were to rezone any privately owned parcel as Open Space, we would need to change the definition. He said that private property can be rezoned without the owners' permission, but re-zoning private property as Open Space takes away all economic value for the property, so it could be considered a taking, which could open the Town up to being sued and having to pay for the economic value lost. Even if the property is currently under a Conservation restriction, such a restriction could at some point be lifted.

Mr. Benson also noted that the definition of Open Space says that "structures, where present, are clearly accessory to the principal open space and recreation function." He thinks that for a number of the parcels included on the list, the primary use is not open space but the building, and he gave the Jason Russell House and Medford Boat Club as examples.

Mr. Benson noted that cemeteries have typically been zoned residential in many towns and cities. Where they're not zoned residential, they're often zoned specifically as Cemetery, which is not a zoning category included in Arlington's current zoning bylaw. Very few are zoned as Open Space. He thinks that it is worth considering working with the Cemetery Commission to create and define a Cemetery District in the zoning bylaw.

Mr. Benson does support the general idea of rezoning recreation and conservation areas as Open Space, but he would want to look at each property individually. He noted that some towns and cities also have a category like Public Administrative Space, which might be appropriate for places like Monument Park and the Jason Russell House.

Mr. Morgan noted that it is important to distinguish between ownership and jurisdiction. The definition of Open Space does not include private ownership as a possible jurisdiction, because Open Space can be owned by private owners but still under the jurisdiction of the Conservation Commission.

Mr. Revilak agreed with Mr. Benson's point about the definition of Open Space requiring that any structure be accessory to the use open space, which he thinks is not true in the case of historical and cultural properties. He asked if there were cases in which the proposed Open Space District boundaries are not consistent with parcel boundaries. Mr. Morgan said that he did not think so. Mr. Revilak said that based on looking at the map provided, he thought that in some cases, parts of larger parcels (like the playing fields behind the high school) would be zoned Open Space while the rest of the parcel was not.

Mr. Revilak then asked if Mr. Morgan has spoken with the School Department or School Committee about any of these designations. Mr. Morgan said that he has not, because the Parks and Recreation Department generally manages the open spaces at schools. Mr. Revilak pointed out that if outdoor spaces at schools are not zoned as Open Space, the schools have more flexibility to reconfigure their space and build more classrooms if necessary, so he thinks that the School Department needs to be part of this conversation.

Mr. Revilak said that he would not want to rezone any part of the Planned Unit Development District while the development at Thorndike Place is still going through the permitting process.

Mr. Revilak shared Mr. Benson's concern about the fact that rezoning privately owned land as Open Space could be considered a taking, entitling the owners to compensation.

The Chair noted that the Board is actively undoing some of the zoning done in the 1970s, in which whatever was currently on the parcel becomes the zone. If the Town plans for better uses of some of these spaces, it makes perfect sense to rezone them.

Mr. Benson asked if Mr. Morgan has talked to the Assessor's Office about whether this rezoning plan would change the assessment on any of the rezoned parcels not owned by the Town. For example, would we lose tax revenue on the portion of the Winchester Country Club in Arlington if it is rezoned as Open Space?

The Chair opened the floor to public comment on these two proposals.

- Barry Jasper, Campbell Road – Regarding the Inland Wetland District, he would like to know exactly what areas would lose wetlands protection if the District is eliminated, and the Conservation Commission maintains its current jurisdiction.

- Grant Cook, 16 Wollaston – If the Winchester Country Club were to decide to move to a different location, and 40 acres of land were to become available, the Town should be able to decide then what the best way to use that land would be. We should not lock it into being zoned as Open Space permanently.

The Chair asked if Mr. Morgan is requesting that the Redevelopment Board take on either or both of these proposed zoning bylaw changes, or that the Board support another entity in bringing the articles forward. Mr. Morgan responded that he would prefer that the Board take on both proposals and bring them to Town Meeting.

Mr. Lau said that he is not sure the Board will have time to take on either proposal and bring them to Town Meeting in April, given their other commitments. If the Conservation Commission brought the articles to Town Meeting, the Redevelopment Board could support them.

The Chair said that she thinks that the Board should take on the elimination of the Inland Wetland District because that has been well thought through and would not take much additional work. She thinks that the Open Space proposal still needs a lot of work.

Ms. Korman-Houston agreed with the Chair.

Mr. Benson also agreed with the Chair. He thinks that the Conservation Commission does an excellent job of protecting the wetland resources of the town, and that it is appropriate to give them complete jurisdiction over those areas, and eliminating the Inland Wetland District is another way to simplify the zoning bylaw and get rid of redundancies. He thinks that the Open Space proposal is a worthwhile project, but it is not ready to go and needs too much work to be ready for Town Meeting in April.

Mr. Revilak also agreed with the Chair and Mr. Benson.

Mr. Morgan appreciated the Board's comments and the issues they raised.

The Chair moved to **Agenda Item 3 – Zoning Board of Appeals Proposed Warrant Articles.**

The Chair introduced Christian Klein, the Chair of the Zoning Board of Appeals (ZBA), which has six proposals for amendments to the zoning bylaw.

1. Mr. Klein said that first proposed amendment has to do with the way the zoning bylaw defines attached and detached buildings. Attached buildings are defined as those that share a wall, and detached buildings as those that have no physical connection. But buildings sometimes share other forms of physical connection, meaning that they cannot clearly be defined as either attached or detached according to the bylaw. The ZBA would like to have one or both definitions clarified so that it is clear how all buildings should be classified. Section 5.3.3, on the spacing of residential and other buildings on one lot, references the distance between a permitted main residential building and a permitted non-residential building. This has raised questions about how detached Accessory Dwelling Units (ADUs) should be considered, since they are residential but not part of the main building.

Mr. Revilak thinks that detached buildings should be defined as exactly the opposite of attached buildings, so that all buildings are clearly one or the other, rather than having two separate definitions. Mr. Klein noticed that the word "detached" is used much more than "attached" in the zoning bylaw, which might impact which definition is given priority.

Mr. Benson asked if there is a simple fix to this issue. Mr. Klein said that one or both of the definitions could be changed so that all buildings are clearly either attached or detached.

Ms. Korman-Houston asked if Mr. Klein can imagine a scenario in which two dwellings do not share a wall but should be considered attached. He replied that he thinks many people would consider a house connected to a garage by a breezeway to be attached, but the Town needs to decide how they want to handle such a structure.

Mr. Benson said that the Board should consider what would lead to a better outcome and write the definitions accordingly. To do that, they need to hear more from the ZBA about potential scenarios and how they would be affected by different definitions of attached and detached.

Mr. Lau agreed that they need to focus on the outcome. He would like Mr. Klein to come back to the Board with a recommendation based on what effect each potential definition will have.

The Chair said that the Board can write up an article to be included in the Town Meeting Warrant without having to finalize the definitions. Mr. Revilak proposed, "To see if the Town will amend the zoning bylaw of the Town of Arlington for the purpose of clarifying the definitions of attached and detached buildings." The Chair said that the Board is supportive of this clarification, pending more information from the ZBA to help determine the exact wording of the definitions.

2. Mr. Klein said that the second proposal relates to Section 5.3.10 which allows using the average setback on a particular street as the front yard setback, but it only applies to vacant properties. The question comes up about what to do when a property is not vacant, and is on a street on which the average setback is less than the full setback required in the zoning bylaw. Mr. Klein asked if it is the Town's intention to require the full setback, or to maintain the average setback along the street.

Mr. Lau asked if the ZBA has spoken to Mike Ciampa, Director of the Inspectional Services Department, about this issue. Mr. Klein said that they have not. Mr. Lau said that he believes that ISD interprets the zoning bylaw differently, without respect to whether or not the property is vacant. He suggested that Mr. Klein ask ISD for their recommendation.

Mr. Korman-Houston asked how they understand the redevelopment of parcels that are currently not vacant. Mr. Klein said that if a property is fully demolished and rebuilt, then it would be considered vacant for the purposes of this section of the bylaw. But a property that was redeveloped without being fully demolished would not be considered vacant.

Mr. Benson said that it doesn't make sense to distinguish between properties that are vacant and those that are not. He would recommend removing Section 5.3.10 altogether.

Mr. Revilak said that this is an example of the internal inconsistency of portions of the bylaw. He agrees that they should check with ISD and clarify their interpretation.

Ms. Korman-Houston asked how the rest of the Board feels about the front yard setback in the bylaw versus the front yard setbacks that are currently in place. Would getting rid of this section lead to larger setbacks in areas where that might not be a good idea?

3. Mr. Klein said that the third proposal involves the Floodplain District and the Inland Wetland District, both of which seem better covered by the Conservation Commission than by the zoning bylaw. The Board told him that the Board is supporting the elimination of the Inland Wetland District, but the Floodplain District is required by FEMA.
4. Section 5.9.2, about Accessory Dwelling Units, is written in some portions with numbers and letters and in other portions with bullet points, which makes it awkward to accurately refer to. The ZBA would like to have the bullet points relabeled with the appropriate numbers and/or letters. The Board agreed and said they would try to get that administrative change on the Consent Agenda.
5. Sections 6.1.10 and 6.1.11, on residential parking, have been added onto and amended multiple times. They are now convoluted and hard to follow. Mr. Klein thinks that the Town should create a Task Force to think through the parking issue and completely rewrite the section based on the Town's overall goals. It's probably not realistic for 2024 Annual Town Meeting, but is something the ZBA and Redevelopment Board should start thinking about.

Mr. Revilak agreed that a rewrite is warranted, but it will take a considerable amount of effort.

Mr. Benson said that the Transportation Planner should be part of the group that works on this issue.

Ms. Korman-Houston noted that residents have such strong feelings about parking that it does not make sense to try to clean up this section of the bylaw without taking a comprehensive look at parking policy.

Mr. Lau agreed with the idea of establishing a Task Force to deal with the many parts of parking policy.

The Chair said that the Board would consider working on this for 2025 Annual Town Meeting.

6. Section 5.9.2, on Accessory Dwelling Units, says that an ADU that is within six feet of the side or rear lot line can be approved by the ZBA. But accessory buildings cannot be built within six feet of the property line. Mr. Klein said that the ZBA has interpreted this to mean that new ADUs could be constructed closer than six feet to the lot line, so long as they had approval from the ZBA, and that was to be considered an exception from the standard setback in the dimensions table. But the dimensions table doesn't list Section 5.9.2 as containing an exception. If the Redevelopment Board agrees with the ZBA's interpretation, then adding a reference to 5.9.2 to the dimensions table would solve the problem. But if the Board's interpretation is different, then that needs to be clarified.

Mr. Revilak said that his understanding was that the Special Permit for an ADU within six feet of the property line was intended to accommodate conversion of an existing garage to an ADU, but not to allow new construction within six feet of the lot line. He also noted that Section 5.4.2.(B).7 includes a separate set of setbacks for garages, outside of the main dimensional tables. He asked if it would be appropriate to cite the garage setbacks when making decisions about ADUs, or if would make sense to move the garage setbacks into the main dimensional tables.

Mr. Klein said that the setbacks on new garages make sense. The ZBA's question is about whether Section 5.9.2 only applies to cases in which an existing garage is being converted into an ADU, or does it allow the construction of an accessory structure as an ADU as an except to the standard six-foot setback required.

Mr. Benson asked Mr. Klein how the ZBA has been interpreting Section 5.9.2. Mr. Klein replied that this issue first came up recently, and it led to a lot of discussion. The ZBA ended up ruling that an ADU can be built within six feet of the line, as long as the applicant met the requirements for determining that it would not be detrimental. Mr. Benson said that he interprets this section the same way. His suggestion is that Section 5.9.2 be left as is, and the ZBA add a clarification to their Rules and Regulations explaining their interpretation. He does not think the zoning bylaw needs to be amended to deal with this issue. Mr. Klein expressed concern that residents look to the zoning bylaw, not the ZBA's Rules and Regulations, to determine what they can and can't do with their property, so a clarification in the Rules and Regulations would not help the public understand what is allowed.

Mr. Lau said that he was on the Redevelopment Board when Section 5.9.2 was added to the bylaw, and he recalls that the intent was only to allow the conversion of an existing structure within six feet of the property line to an ADU, not to allow a new structure to be built within six feet of the property line. The Chair found a fact sheet that the Board prepared for Town Meeting at the time, which supports Mr. Lau's recollection.

Mr. Revilak noted that the current bylaw allows for the construction of a new garage within six feet of the property line, which could subsequently be converted into an ADU with the approval of the ZBA. Given that, it makes more sense to allow the construction of an ADU within six feet of the property line. Mr. Benson said that he thinks allowing such construction leads to a better outcome.

The Chair said that a warrant article could be written to clarify the intent of Section 5.9.2, and the Redevelopment Board could work with the ZBA, in consultation with ISD, to draft the specific language of the amendment. Mr. Benson volunteered to work with Mr. Klein and Mr. Ciampa.

The Chair summarized which articles the Redevelopment Board would put forward in collaboration with the ZBA:

- Clearer definitions of attached and detached buildings
- Changing bullets to numbers and letters in Section 5.9.2
- Addressing issue of setback exceptions for vacant properties
- Clarification regarding ADUs within six feet of the property line
- Defer to 2025 discussion of parking

The Chair opened the floor to the public with comments on these articles. No one wished to comment.

The Chair moved to **Agenda Item 4 – Green Streets Arlington.**

Susan Stamps and Alan Jones of Green Streets Arlington presented their proposal for new zoning regarding parking lots. They would like the ARB to support the proposal and help Green Streets Arlington actually write the warrant article, because the language will need to be quite detailed. The goal is to require shade in parking lots, which could be provided by trees or solar panels, and to require trees for stormwater management. With climate change, this has become increasingly necessary. They would like to require 50% shade cover within 15 years of planning. Such requirements are not common around the country, but Los Angeles and Sacramento both require 50% shade cover in their parking lots. Green Streets Arlington would like to see it applied to all parking lots, regardless of size. Section 6.1.11.F.(2) of the Zoning Bylaws already includes 50% shade cover as an option for non-pervious parking lots in the Industrial Zone, but does not require it.

Mr. Revilak said that one of the uses regulated by the zoning bylaws is a ground-mounted solar photovoltaic installation, which is only allowed in the Industrial District. He proposed broadening the districts in which such an installation is allowed. He also noted that the bylaws apply a greater degree of regulation for parking lots with six or more spaces.

Mr. Revilak asked how Green Streets arrived at its suggestion of 50% shade cover, and how a planting plan could be evaluated to determine the eventual amount of shade cover. Ms. Stamps replied that they followed the example of other municipalities, where 50% shade cover seems to be standard. Mr. Jones noted that determining the eventual shade cover is inexact. He said that the Tree Warden would need to make an estimation based on the typical shade cover and density of the particular types of trees being planted. Ms. Stamps said that Arlington has already set a precedent of requiring developers to present a planting plan to the Tree Warden, and this could work the same way.

Mr. Benson noted that the proposal says that it applies to a reconstructed parking lot, and he asked what makes a parking lot reconstructed. Mr. Jones replied that it's basically repaving. Mr. Benson said that that should be clarified.

Mr. Benson asked if Green Streets has spoken with the Tree Warden. Ms. Stamps said that they had, and he is enthusiastic about the proposal.

Mr. Benson noted that in some cases, parking lots are built on contaminated ground, and the parking lot surface is the cap on the contamination. In such cases, it would be impossible to plant trees in the lot, and possibly around the perimeter, so the bylaws would need to allow for exemptions.

Mr. Benson noted that Arlington does not have many large parking lots, and developers often try to fit parking spaces into small areas in order to meet the minimum number of required spaces, even if they've been granted some parking relief. It would be helpful to know the ratio of areas containing trees to parking spaces in this proposal so that it's clearer how it would affect the amount of available parking in any given space.

Mr. Benson noted that in some places in the proposal, it says that building permits cannot be issued until certain conditions are met, and in other places, it says that certificates of occupancy cannot be issued. A few years ago, an amendment to the bylaw was thrown out by the Attorney General's office because it restricted the issuing of building permits. Mr. Benson said that this needs to be discussed with Mike Ciampa, the Director of the Inspectional Services Department, to determine if this proposal is consistent with his responsibilities. He is responsible for implementing both the zoning bylaw and the building code, and we need to make sure that this proposal does not create a conflict between the two.

Mr. Benson asked if the proposal's discussion of stormwater management is just about the fact that areas with trees will be pervious, or if they are proposing more stormwater management than that. Ms. Stamps said that many municipalities are taking the opportunity to create rain gardens in parking lots. She would like to see more than just small squares with trees, but larger strips/medians with trees and other plants for better stormwater management. Mr. Benson noted that the Town already has a Stormwater Management Plan that any new zoning would be required to comply with.

Mr. Benson said that if the issues he raised can be resolved, he is generally supportive of the proposal.

Ms. Korman-Houston said that she supports the goal of the proposal, but she has some questions about implementation. She asked if a parking lot would have room for mature, healthy trees without losing so many parking spaces that it becomes financially unfeasible. Would there be space for healthy root systems close to buildings? She is

concerned that planting trees is not enough if the trees are unable to mature in a healthy way. Ms. Stamps said that new techniques are being developed to plant urban trees that aim their roots downward, so that they can spread out well below the street level.

Ms. Korman-Houston said that she had concerns about the financial feasibility of solar installations. Implementing solar is sometimes difficult in Massachusetts. She appreciates having an option for trees or solar or a combination, but she wants to make sure that financial feasibility has been considered.

The Chair said that she feels that this would be an excellent proposal for a town with more parking space available than Arlington. She does not think that the Board has reviewed a parking lot that is large enough to have a median within it. The Board typically reviews plans for parking lots with between four and seven spaces, and it is often extremely difficult to fit in even those few spots. The Board typically requires applicants to include significant shade trees in their development, and she would like to work with Green Streets Arlington and the Tree Warden to make sure that the types of trees required are the best possible species for maximizing shade. But she thinks that requiring trees in very small parking lots would be an extra burden on developers for a relatively small gain in overall tree cover. Her experience is that developers of larger projects are generally willing to work with the Board about planting plans. Applications for such projects would provide an opportunity for the Board to consult with Green Streets and the Tree Warden. She does not think it makes sense to bring a proposal for a zoning bylaw amendment to Town Meeting for something that would have a limited application and would be a challenge for smaller development projects.

Mr. Lau agreed with the Chair. He said that everyone on the Board wants to see an increased tree canopy, but he does not think that adding this requirement to parking lots in Arlington is the best way to go about it. This proposal will hinder development projects. He noted that large surface parking lots are very rare in Arlington. He thinks that planting trees and rain gardens along streets directly under the Town's control, rather than requiring it on private parking lots, is a better way to increase the tree canopy.

Mr. Benson noted that Section 6.1.11.D.(6) of the zoning bylaw already requires that parking lots of at least 25 spaces to include landscaped areas in at least 8% of the total paved area. He thinks that a requirement for trees, rather than other forms of landscaping, could be built into that portion of the bylaw. The Chair said that making such a change is unnecessary, because developers are usually very willing to alter their landscaping plans at the request of the Board.

Mr. Jones said that they are anticipating larger developments with larger parking lots with the passage of the MBTA Communities Overlay District. He also noted that people like parking lots with trees, especially in the summer. He noted that the Board has already expressed an interest in rewriting Section 6.1.11 of the bylaw, about parking, so it could integrate tree requirements into the rewritten and simplified section on parking.

Ms. Stamps said that there are places in Arlington that people chronically complain about because they are so hot, and they could have trees added. The Chair noted that those areas are typically along public streets, which the Town could address by planting trees along those streets, rather than requiring trees in parking lots.

The Chair opened the floor to members of the public wishing to comment on the proposal. Seeing none, she closed public comment.

The Chair stated that the Board is not in agreement about the proposal, although it does have some support, so the Board will not put this proposal as a warrant article at Town Meeting. But if Green Streets Arlington wants to move forward with the article on their own, they could come back before the Board to discuss it further. Ms. Ricker suggested that Green Streets contact the Town's Transportation Planner for assistance with moving forward.

The Chair moved to **Agenda Item 5 – Permitted Projects.**

Ms. Ricker said that the Board had previously asked that DPCD look at two projects to which the Board granted special permits, at 882 Mass Ave and 455-457 Mass Ave.

She shared an image of the exterior of the 882 Mass Ave from the plans approved by the Board and a photograph of the property taken this evening. She noted that the project as built includes white accents and vent penetrations that were not included in the original plans, and that the way the articulations were built is not in accordance with the plans. She has spoken with the developer, who indicated a willingness to perform whatever mitigation the Board decides is necessary. The architect for the project was invited to this meeting but is not in attendance.

Mr. Lau said that the white trim and penetrating vents should be repainted to match the original plans. He also asked if the project has a commercial tenant. Ms. Ricker replied that they do have a commercial tenant, but they are not prepared to move in and open yet. The intention was that residential tenants would begin moving in this weekend. An occupancy permit was granted on Friday, December 15, but ISD has indicated that it could be pulled if that is what the Board wants. Mr. Lau said that he wants the developer to be required to come back before the Board, because the Board's trust in the developer has been eroded.

The Chair said that she is very disappointed with the way the development was executed. The color scheme is not what the Board approved, and the white accents must be repainted. She also noted that the color for the framing of the storefront windows does not match the plans approved by the Board. By the Board's next meeting on January 8, she would like to see a rendering showing exactly how they will be repainted and which colors they will match, because it differs so substantially from what was approved. She said that the vents need to be removed, not simply repainted; they need to be interior, which is what the Board and the Building Inspector approved.

Ms. Korman-Houston asked if the Certificate of Occupancy that ISD issued was temporary or not. Ms. Ricker replied that it was a full Certificate of Occupancy, not a temporary one. Mr. Lau noted that because the project was issued a special permit, the Board still has jurisdiction, and they can pull the permit for non-compliance.

Mr. Benson said that the overall color of the building is not what the Board approved, and he's not sure if there's anything they can do about it at this point.

Mr. Benson expressed concern about the status of the affordable units. Ms. Ricker said that the lottery for the affordable units was initially run erroneously and had to be re-run. In addition, the affordable units are all stacked on one side of the building and are all less than 700 square feet, which is the minimum square footage required by EOHLC. Ms. Ricker said that the developer was granted a waiver by EOHLC for unit size and location, and then the lottery was re-run appropriately. Mr. Benson noted that one of the Board's conditions in approving the special permit was that the affordable units be equitably dispersed throughout the building and be comparable to the market-rate units. Another condition was that the affordable units must be approved by DPCD. The developer may have gotten a waiver from the state, but that doesn't exempt them from the conditions imposed by the Board. Mr. Benson would like to have a conversation with the developer about making sure they meet all the conditions imposed by the Board.

Mr. Revilak had nothing further to add to the concerns raised by the rest of the Board.

Mr. Lau said that he would like the developer to come to the Board's next meeting, so that the Board could explain their requirements directly to the developer.

The Chair said that she would like the developer to come back to the Board with a plan and renderings for how they will comply with all the issues identified. She said that the Board could decide to reopen the Special Permit and leave it open until they are satisfied that it is complete. They could also wait until they see the plans the developer brings on January 8 and set time requirements for the execution of the items required, and only reopen the Special Permit if those requirements are not met.

Mr. Benson asked Ms. Ricker if she would favor reopening the Special Permit based on her recent conversations with the developer. She said that she would like to give them an opportunity to respond. She thinks that they need to come to the January 8 meeting with an appropriate rendering and mitigation plan, as well as an explanation about the distribution of the affordable units. They have agreed to perform whatever the Board requires in mitigation, and the Board has not yet told them what they would require. The Board agreed to require that the developer attend the January 8 meeting, and Ms. Ricker will send them a complete list of all the issues the Board raised.

Ms. Ricker said that she had a discussion with Mr. Ciampa about including Special Permit conditions on ISD's checklist of approvals prior to issuing a Certificate of Occupancy, and including DPCD in the inspection process in the future.

The Chair said that the Board should discuss among themselves and with Town Counsel what the consequences for non-compliance should be, because the Board's Rules and Regulations do not currently include any consequences.

Ms. Ricker said that construction on 455-457 Mass Ave is ongoing.

The Chair moved to **Agenda Item 6 – Fox Library (157 Mass Ave) Housing Feasibility.**

Ms. Ricker shared that DPCD applied for a community planning grant for \$77,000 to complete a housing feasibility study above a future rebuilt Fox Library. Boston and other communities are starting to look at using vacant and underused public property for housing. MAPC will conduct the study.

Mr. Lau said that he thinks it would be possible to sell the air rights above the library and construct 12-16 units.

Ms. Korman-Houston recommended that DPCD speak with Joe Backer at the Boston Mayor's Office of Housing. He has been working on grant applications for housing over libraries.

Mr. Benson congratulated Ms. Ricker and DPCD on getting the grant. He asked if the Fox Library building will be rebuilt. Ms. Ricker said that the library building will be demolished and rebuilt, with residential units if feasible. He also asked what the plans are for the housing units in terms of affordability. Ms. Ricker replied that the results of the feasibility study will determine the direction the development goes. It may be primarily affordable, or market-rate with Arlington's inclusionary zoning requirements.

Mr. Revilak said that this is an exciting project.

The Chair moved to **Agenda Item 7 – Open Forum.**

The Chair opened the floor for public comment. Seeing no one who wished to speak, the Chair closed Open Forum.

The Chair moved to **Agenda Item 8 – New Business.**

Mr. Lau noted that part of the approval of 882 Mass Ave included a tree on the corner. There used to be a tree there, but it died, and it has not been replaced.

The Chair asked for a motion to adjourn. Mr. Lau so moved, and Mr. Benson seconded. The Board voted and approved unanimously.

Meeting **Adjourned at 10:20 pm.**



Town of Arlington, Massachusetts

Redevelopment Board Warrant Articles

Summary:

8:20 pm The Board will review the warrant articles they wish to present to Town Meeting.

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	ZBA_Articles_Draft_2.pdf	ZBA Articles Draft 2

WARRANT ARTICLE

ARTICLE #

ZONING BYLAW AMENDMENT / BUILDING DEFINITIONS

To see if the Town will vote to amend Section 2: Definitions, in the Zoning Bylaw to amend the definitions of Building, Attached, and Building, Detached, to clear up an ambiguity between those two definitions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 2: Definitions, as follows:

Building, Attached: A building having one or more walls or roofs in common with another adjoining building or buildings or otherwise connected by a roof to another building or buildings.

Building, Detached: A building ~~with no physical connection to another building.~~ that does not meet the definition of Building, Attached.

WARRANT ARTICLE

ARTICLE #

ZONING BYLAW AMENDMENT / ADMINISTRATIVE CLARIFICATION

To see if the Town will vote to amend Section 5.4.2.A. R District Yard and Open Space Requirements in the Zoning Bylaw to reference an exception found elsewhere in the Zoning; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 5.4.2.A. R District Yard and Open Space Requirements as follows:

R District Yard and Open Space Requirements (see 5.4.2.~~B~~.B and 5.9.2.B.(1) e) for exceptions).

WARRANT ARTICLE

ARTICLE #

ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION

To see if the Town will vote to amend Section 5.9.2. Accessory Dwelling Units to for clarity to change how subsections are numbered and to remove a subsection that is outdated; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 5.9.2. Accessory Dwelling Units Subsection B. (1) to replace bullets with letters as follows:

B. Requirements

(1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:

- ▲a) An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
- ▲b) Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.
- ▲c) An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
- ▲d) No more than one (1) accessory dwelling unit is allowed per principal dwelling unit.
- ▲e) An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.
- ▲f) An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
- ▲g) An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).

Amend Section 5.9.2. Accessory Dwelling Units Subsection C. to delete subsection (3) and to renumber subsection (4) as subsection (3) as follows:

C. Administration

...

- ~~(3) — This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, except for clause (iii) of Section 5.9.2.B.(1), fifth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at Town Meeting.~~
- (4) (3) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E shall govern and control.



Town of Arlington, Massachusetts

Review of Draft Changes to Rules and Regulations

Summary:

9:15 pm The Board will review the proposed changes to the Board Rules and Regulations regarding Site Plan Review.

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	ARB_Rules_and_Regulations_Rule_20.pdf	ARB Rules and Regulations Rule 20

Rule 20: Site Plan Review

A. Site Plan Review Overview

Site Plan Review is a process established by the Town of Arlington Zoning Bylaw (Zoning Bylaw) by which the Arlington Redevelopment Board (Redevelopment Board) reviews and potentially imposes conditions on an As of Right Development that may include, but not be limited to, matters such as vehicle access and circulation on a site, architectural design of a building, and screening of adjacent properties, prior to the issuance of a building permit. It is an opportunity to make sure the development will comply with all requirements of the Zoning Bylaw, to understand its impacts, and for the Redevelopment Board to impose reasonable conditions that it deems necessary to ensure the health, safety, and general welfare of the community.

The Redevelopment Board shall review a Site Plan in accordance with Section 5.9.3 of the Zoning Bylaw.

Site Plan review is required for developments on parcels located within a Multi-Family Housing Overlay District when the property owner has elected to comply with the requirements of the overlay district rather than comply with those of the existing underlying zoning district.

For more detailed information on Site Plan Review, please consult Section 5.9 of the Zoning Bylaw.

B. Site Plan Review Pre-Application Meeting Required

A Pre-Application Meeting with staff of the Arlington Department of Planning and Community Development (DPCD) is mandatory for all projects requiring Site Plan Review. The Pre-Application Meeting shall be scheduled through DPCD. The purposes of the meeting are to familiarize reviewing staff with the basics of the project, to provide feedback and general recommendations before formal filing of the application, and to assist the Applicant in understanding expectations, anticipating areas of concern, and minimizing unnecessary expenses. The Pre-Application Meeting may also help ensure the application will be complete and include all necessary materials and information. Depending on the project scope, town staff participating in the meeting may include representatives of various departments within the town.

At the Pre-Application Meeting, the Applicant will be expected to discuss at least the following aspects of its proposed development:

1. The parcel(s) and the address of the site.
2. The existing conditions on the site and any easements that exist:
 - a. What is on the property now? Is it vacant or already developed? Are there existing buildings? If so, will they be redeveloped or replaced?
 - b. Are there wetlands on or near the site?
 - c. Is the land flat? Sloped?
3. What is around the site? What are the surrounding streets? Where are the nearby intersections? What is located on abutting land?
4. What zoning district(s) is the site located within?
5. What does the Applicant propose to build on the site, where will the buildings be located, what will the proposed buildings look like?

6. How many residential units will be provided? What will be their location and sizes?
7. Will there be affordable housing units? If so, how many units will be affordable, where will those units be located, and what will be their sizes? (If affordable housing will be provided, DPCD may require the Applicant to meet with
8. Will there be any commercial units? If so, what will be their location and sizes?
9. What are the dimensional and density requirements of the district? Will the project comply?
10. How many parking spaces will be required and how many does the Applicant propose? Where will parking spaces be located? How will traffic move in and out of the site?
11. Where will bicycle parking, if any is required, be located?
12. Where will pedestrians walk on the site?
13. What stormwater management is proposed for the site?
14. Where does the Applicant plan to put signs if any? Outdoor lighting?
15. What does the Applicant plan to provide for landscaping?

If a project has an affordable housing component, DPCD may ask the Applicant to appear before the Arlington Affordable Housing Trust (AHT) and obtain a letter from the AHT stating that the affordable housing component of the plan as proposed is satisfactory under the Zoning Bylaw and state requirements, or DPCD may provide such a letter.

C. Site Plan Review Application Required

A completed Site Plan Review Application, available from DPCD, is required. The application will require information discussed at the pre-application meeting and additional information to allow the proposal to be reviewed by the Redevelopment Board.

At a minimum, the application shall comply with the requirements of Rule 14 of these Rules and Regulations. If the project has an affordable housing component, the application must include a letter from AHT or DPCD stating that the affordable housing component of the plan is satisfactory.

The fee to accompany the application is set forth in Rule 12 of these Rules and Regulations.

D. Site Plan Review Application Timetable and Review Process

Site Plan Reviews before the Redevelopment Board are subject to the following timelines.

Within 10 days of receipt of an application, copies of the application shall be transmitted by DPCD to Inspectional Services. Following staff evaluation of the proposal, DPCD may determine that any of the following Boards, Departments, or Commissions need to be notified as part of project review: Board of Health; Conservation Commission; Public Works; Engineering; Historical Commission; Historic Districts Commission; Fire Department; Police Department; and Zoning Board of Appeals. All other boards, commissions, or departments will be given 35 days to respond. Failure to respond will be deemed to be lack of opposition.

The notification requirements of Rule 11 of these Rules and Regulations shall be completed before the Redevelopment Board initiates Site Plan Review on an application.

After such notification:

1. The Redevelopment Board shall hold a public hearing on the application. The hearing must start

within 65 days of an application being filed.

2. Once the hearing has commenced, it may be continued. If continued beyond 90 days after the first day of hearings, the applicant must agree to continue the hearing.
3. Final action must be taken by the Redevelopment Board within 90 days of the hearing's closure. A majority vote of the five members of the Redevelopment Board is required to approve or disapprove the Site Plan, including any conditions placed on the approval. Final action shall include one of the following:
 - a) Approval as filed. Approval based on a determination that the application complies with the Zoning Bylaw and these Rules and Regulations.
 - b) Approval with conditions. Approval of the application subject to any reasonable conditions, modifications, and restrictions the Redevelopment Board may deem necessary to ensure the health, safety, and general welfare of the community and for compliance with the Zoning Bylaw and these Rules and Regulations.
 - c) Disapproval. A disapproval of the application for noncompliance with the Zoning Bylaw, or determination that the Site Plan, although proper in form, is so intrusive on the interests of the public in one or more aspects regulated by the Zoning Bylaw, that no reasonable terms or conditions can be devised to adequately protect the interests of the public.
4. Within 14 days of the Board's final action, the Board must file a record of its Decision in the Town Clerk's Office.
5. Site Plan approval or disapproval, or any extension, modification or renewal thereof shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. Proof of recording with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, shall be presented to the Building Inspector.
6. If a decision is not reached within 90 days after closure of the hearing, the applicant may notify the Town Clerk and abutters within 14 days after the 90th day that it is seeking approval of its application for failure of the Redevelopment Board to act on its application within 90 days, or any extended time period beyond the 90 days, pursuant to M.G.L. c.40A, § 9, and comply with the requirements set forth therein.

There is no administrative appeal of the decision of the Redevelopment Board. Appeal is to court.

An approval granted under Site Plan Review shall lapse after three years from its issuance if substantial use or construction has not commenced within the three-year period. Upon written application by the grantee, the Redevelopment Board in its discretion may extend the rights to exercise the site plan review approval for a period not to exceed two years for good cause shown. An application for such an extension shall be filed with DPCD prior to the expiration of the three-year period and with enough time to provide proper notice of the requested extension at a regularly scheduled Redevelopment Board meeting. The rights to an expired site plan review approval may only be reestablished after the filing of a new application for review and the holding of a new public hearing, subject to the discretion of the Redevelopment Board.



Town of Arlington, Massachusetts

New Business

Summary:

9:45 pm

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	20240118_photograph_of_882_Mass_Ave.pdf	2024-01-18 photograph of 882 Mass Ave

